UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,575	03/14/2001	Gregory Vassmer	024944-135	1340

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EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/805,575	VASSMER ET AL.
	Examiner	Art Unit	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 4/12/05.

2.   Claims 1 – 13 are pending in the case. Claims 1, 12, and 13 are independent.

3.   The objection to the specification has been withdrawn as necessitated by

amendment.

4.   The objection to the drawings has been withdrawn as necessitated by

amendment.

5.   The rejection of claims 1 – 12 under 35 U.S.C. 101 as being nonstatutory has

been withdrawn as necessitated by amendment.

6.   The rejection of claims 1 – 12 under 35 U.S.C. 112 as being indefinite has been

withdrawn as necessitated by amendment.

7.   The rejection of claims 1 – 13 under 35 U.S.C. 103(a) as being unpatentable has

been maintained.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jammes et al. (US 6484149 B1) and further in view of Maynard (US 6484166 B1).

10.   **Regarding independent claim 13**, Jammes et al. teach that *as each group*

structure is encountered during navigation, the refresh method outputs information to

the right pane display 309. For each group encountered, the refresh method outputs

one row of information in the right pane, including an icon and text characters

representing a Group_Name. One of ordinary skill in the art will understand that other

arrangements and displays of group information in a right pane are possible, and the

present invention is not limited by a particular arrangement of elements in the right pane

display 309 (Column 28; lines 6 – 14), which provide for **a) presenting an initial set of**

descriptor tags using an output device; and c) presenting the descriptor tags of

the new set of the information units using the output device; Jammes et al. teach

that *In a further step 1614, a user repeats any of the steps 1602-1612 as needed to*

specify the inventory of an electronic store and to organize its presentation (Column 45,

lines 3 – 6), which provide for **d) selectively repeating steps b) and c) at the user's**

request. Jammes et al. do not explicitly teach **category tags**. However, Maynard

teaches that *a method for retrieving and displaying information from at least one*

informational resource comprising the steps of: breaking apart the at least one

informational resource into a plurality of discrete finite elements; creating a categorical

tag for each of the plurality of discrete finite elements, the categorical tag including a

categorical designation pertaining to informational content contained in the discrete

finite element; generating a searchable database including a searchable database

record for each of the discrete finite elements; receiving a search query; searching the

searchable database for relevant database records that correspond to the search query;

associating the relevant database records with their respective discrete finite elements;

displaying identifying phrases pertaining to the respective discrete finite elements of the

relevant database records produced during the associating step; receiving an input

selecting one of the displayed identifying phrases; reconstructing a contiguous portion

of the informational resource around the selected discrete finite element by combining

other discrete finite elements with the selected discrete finite element; and displaying

said reconstructed contiguous portion (Column 23, line 33 – Column 24, line 12), which

provide for **b) receiving an instruction to assemble a new set of descriptor tags,**

the instruction being generated by a user using an input device to select one of a

structure tag and a solution category tag, the instruction resulting in the

generation of a new set of information units, where at least one of the structure

and the solution category tags of the information units in the new set are

interconnected to the information units of a previous set. It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the

invention of Jammes et al. with that of Maynard because such a combination would

allow the users of Jammes et al. the benefit of *an information management, retrieval*

and display system for searching through an informational resource, such as a

document (e.g., a treaty), a number of individual documents (e.g., Web pages resident

on the Internet), or a stream of information (e.g., DNA code, source code, satellite data

transmissions, etc.) and for displaying the results of the search in an

collapsible/expandable format based upon a user-selected display criteria or hierarchy

(Column 1, lines 48 – 56).

11.   **Regarding independent claim 12**, Jammes et al. teach that *the HTML authoring*

tool produces a template file (i.e., a simple ASCII text file), representing a template

page. Each such template file includes HTML formatting codes (or tags), text content,

and references to the product information database 116 which can be resolved to

extract information about a group or product (Column 42, lines 21 – 26), which provide

for **a descriptor tag indicating informational contents of said information item;**

and a structure tag pointing to at least one information unit in said data structure.

Jammes et al. do not explicitly teach **pointers**. Maynard teaches that *the break module*

also creates categorical tags for each of these finite elements, where the categorical

tags assigned to each of the finite elements are based upon and analysis (defined by

the set of expert system rules) of the contents of each of the finite elements. The

categorical tag can include a standard classification such as, for example, "Dewey

Decimal-type" number. The categorical tag can also include an organizational attribute

(such as pertaining to the type or location of the finite element with respect to the rest of

the rest of the informational resource), a date-stamp, a categorical word, etc. Preferably,

the categorical tags are inserted into the finite element (Column 1, line 67 – Column 2,

line 11) and that *each database record preferably includes an address or pointer to the*

corresponding finite element and further preferably includes all of the non-common

strings (e.g., words or phrases) contained within the corresponding finite element along

with the frequency that such strings appear (Column 4, lines 54 – 58), which provide for

a solution category tag pointing to at least one information unit in the data

structure; and for **pointers interconnecting the information item, the descriptor**

tag, the solution category tag and the structure tag to an information unit. It would

have been obvious to one of ordinary skill in the art at the time of the invention to

combine the invention of Jammes et al. with that of Maynard because such a

combination would allow the users of Jammes et al. the benefit of *an information*

management, retrieval and display system for searching through an informational

resource, such as a document (e.g., a treaty), a number of individual documents (e.g.,

Web pages resident on the Internet), or a stream of information (e.g., DNA code, source

code, satellite data transmissions, etc.) and for displaying the results of the search in an

collapsible/expandable format based upon a user-selected display criteria or hierarchy

(Column 1, lines 48 – 56). Neither Jammes et al. nor Maynard explicitly teach

indicating membership of the information unit to one of design, reliability,

maintenance and training categories or **an information item including information**

related to one of bearings and seals; however, it would have been obvious to one of

ordinary skill in the art at the time of the invention to be motivated to use and/or modify

the combined invention of Jammes et al. and that of Maynard to provide for **indicating**

membership of the information unit to one of design, reliability, maintenance and

training categories and to provide for **an information item including information**

related to one of bearings and seals, since Jammes et al. discloses that *the Merchant*

Workbench for designing and operating an electronic store over the Internet (Column 8,

lines 11 – 13). The skilled artisan would be motivated to implement the aforementioned

categories in order to divide the products into useful categories for the users and

consumers of the invention. Further, the combined invention can handle any type of

product therefore the skilled artisan would be motivated to include information regarding

bearings and seals in order to describe the products i.e. bearings and seals.

12.   **Regarding independent claim 1**, the claim incorporates substantially similar

subject matter as claims 12 and 13, and is rejected along the same rationale.

13.   **Regarding dependent claims 14 and 15**, the claims incorporate substantially

similar subject matter as claims 12 and 13, and are rejected along the same rationale.

14.   **Regarding dependent claim 2**, Jammes et al. teach that *FIG. 13 illustrates*

fields and command buttons of a new group dialogue box 1301 which prompts a user

for information about a new group. The new group dialogue box 1301 includes a

merchant ID field 1302, a Group_ID field 1304, a Group_Name field 1306, a template

file field 1308, a description field 1310, and a small image field 1312. Also included in

the new group dialogue box 1301 are a `Cancel` button 1314 and an `Okay` button

1316 (Column 38, lines 10 – 17), which provide that **the descriptor tag of an**

information unit is constituted by a portion of its information item, and that **the**

descriptor tag of an information item is constituted by a description of the

contents of the information item.

15.   **Regarding dependent claim 4**, Jammes at al. teach that *in a preferred*

embodiment, each product included in the right pane display is represented by one row

of text elements and each group included in the right pane display is represented by

one row comprising an icon and a text label (Column 28, lines 20 – 23), which provide

that **the information item is comprised by at least one of the following information**

types: text, photo, table and drawing.

16.   **Regarding dependent claims 5 and 6**, Jammes et al. teach that *if, in the step*

2014, the Web server determines that the consumer did not order a product, then, in a

next step 2018, the Web server 106 generates a database command designed to add a

new record to the browse table of the traffic analysis database. It will be understood

that such a database command accepts parameters representing values for the fields of

a new record of the browse table. To supply a value for the Consumer_ID field of the

new record, the Web server 106 access the consumer's cookie identifier and extracts

the unique Consumer_ID value. The Web server establishes a value for the

Template_File field of the new record by extracting a template file name from the URL

of the request message (Column 51, lines 40 – 52), which provide that **the initial set of**

descriptor tags is based on a cookie from a previous use session of the computer

program product, and that **the initial set of descriptor tags is based on a default**

set (*template file(s)*).

17.   **Regarding dependent claims 7 – 11**, Jammes et al. teach that *data records of a*

product information database store information comprising an inventory of an electronic

store, including information about products and groups and the relationships between

them (Column 4, lines 22 – 25); that *the enhanced Web browser 112 initiates data*

transactions with the product information database 116. The enhanced Web browser

112 issues database transaction commands to the Web server 106, which in turn issues

those transaction commands to a relational database server 114. In a preferred

embodiment, the relational database server 114 utilizes open database connectivity

(ODBC). Relational database servers 114 utilizing ODBC are known in the art. One

function of such relational database servers is to provide to application programs a

common query interface to interact with multiple database systems having different

query interfaces (Column 8, lines 46 – 57); and that *a web browser may be*

implemented as a collection of instructions stored on computer storage media (e.g., disk

drive media, CD-ROM, ROM, EPROM, etc.), the instructions executable by a computer

as an application program, as part of the operating system, as a dedicated function of

network computer, or a combination of these or other forms for loading and executing

instructions (Column 6, lines 58 – 65), which provide that **the information unit**

database is comprised in the computer program product, that **the information**

unlit structure database is comprised in the computer program product, that **the**

information unit database is integrated with the information unit structure

database, that **intended to be used by a server connected to the Internet**, and that

loaded on a carrier.

Response to Arguments

18.   Applicant's arguments filed 4/12/05 have been fully considered but they are not

persuasive.

19.   In response to Applicant's argument that Jammes et al. and Maynard fail to teach

or suggest a solution category tag operative to generate a new set of information units

when selected, it should be noted that the neither reference has to teach that *a solution*

category tag operative to generate a new set of information units when selected based

on the claim language; the claim simply recites **receiving an instruction to assemble**

a new set of descriptor tags, the instruction being generated by a user using an

input device to select one of a structure tag and a solution category tag, the

instruction resulting in the generation of a new set of information units, where at

least one of the structure and the solution category tags of the information units in the new set are interconnected to the information units of a previous set. Further, the combination of Jammes et al. and Maynard teach the step of "d) selectively repeating steps b) and c) at the users request," as set forth in independent claim 13 under 35 USC 103(a). It should also be noted that those of ordinary skill in the art at the time of the invention are well aware that the steps set forth in the claimed invention are computer methods ran by software that can always be reran at the user's preference.

20.   In response to Applicant's arguments that Jammes et al. and Maynard fail to teach or suggest limitation (b), it should be noted that due to the open-ended nature of the claimed language any number of steps can be taken by the system in the prior art and combinations thereof so long as all the steps of the claimed invention are met based on the broadest most reasonable interpretation.

21.   In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation used came from the references themselves.

22.   In response to applicant's argument that each information unit includes an information item comprising information related to at least one of the products, their use

and technical solutions in relation to bearings and seals, and that a solution category

tag points to at least one information unit in the information unit structure database and

indicates that the information unit belongs to one of design, reliability, maintenance and

training categories, a recitation of the intended use of the claimed invention must result

in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim. In a claim drawn to a

process of making, the intended use must result in a manipulative difference as

compared to the prior art. See In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967)

and In re Otto, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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